



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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REGIONAL  
ADMINISTRATOR'S  
DIVISION

June 15, 2023

Mr. William Strickland  
Plans and Requirement Branch  
3501 Fetchet Avenue  
Joint Base Andrews, MD 20762-5157

Dear William Strickland:

The U.S. Environmental Protection Agency has reviewed the National Guard Bureau's Notice of Intent to prepare an Environmental Assessment related to the proposal to recapitalize the aircraft at Portland's Air National Guard installation (EPA Project Number 23-0023-USAF). EPA has conducted its review pursuant to the National Environmental Policy Act and our review authority under Section 309 of the Clean Air Act. The CAA Section 309 role is unique to EPA and requires EPA to review and comment publicly on any proposed federal action subject to NEPA's environmental impact statement requirement.

The NOI and its supporting documents describe this recapitalization as the "acquisition of the new generation F-15EX aircraft and construction and upgrade of specific facilities for one squadron of F-15EX aircraft." The squadron would consist of 24 F-15EX aircraft and is meant to replace the 20 F-15C aircraft currently at the installation. It is also stated that the National Guard Bureau (NGB) is analyzing the possible continuation of operating the existing F-15C. The project proposes to conduct approximately 2 acres of ground disturbance and add approximately 1 acre of new impervious surface.

The project has the potential to impact air quality, water quality, and impact communities with environmental justice concerns. The enclosed Detailed Comments provide greater detail regarding EPA's recommendation when developing the environmental analysis of this project.

Thank you for the opportunity to review the NOI for this project. If you have questions about this review, please contact Scott Schlieff of my staff at (206) 553-4032 and [Schlieff.Scott@epa.gov](mailto:Schlieff.Scott@epa.gov), or me, at (206) 553-1774 or at [Chu.Rebecca@epa.gov](mailto:Chu.Rebecca@epa.gov).

Sincerely,

Rebecca Chu, Chief  
Policy and Environmental Review Branch

Enclosure

**U.S. EPA Detailed Comments on the  
National Guard Bureau – Recapitalization at Portland Air National Guard Installation  
June 2023**

**Alternatives Analysis**

The notice of intent (NOI) describes a few possible alternatives for this project. These alternatives include replacing the existing F-15C planes with the newer F-15EX planes or bringing in new planes while also keeping some or all of the existing planes for a short, but unspecified, duration.

EPA recommends that the NEPA document specify the number of each plane and the duration each model is anticipated to be in service for each of these various potentialities so that the environmental impacts can be better understood. Additionally, if varying the number and type of planes in service at the airbase will impact the proposed demolition, remodeling, or building of new facilities, EPA recommends these potential changes to the proposal be analyzed in the NEPA document as well. In developing the environmental review for this proposed project under NEPA, EPA recommends reviewing and considering NEPA analyses for similar projects<sup>1</sup>.

**Water Quality and Aquatic Resources**

***Clean Water Act § 402***

EPA recommends the NEPA analysis identify any discharges to Waters of the United States (WOTUS) that are known, or are likely, to occur during construction and operation of the project and how these discharges would be managed and minimized. Identify the NPDES permits that will be obtained for the construction phase, new (or modifications to) existing permits for operations, and how any previous permit exceedances could be prevented by incorporating pollution prevention measures into the project.

***CWA § 303(d)***

The CWA requires states to develop a list of impaired waters that do not meet water quality standards, establish priority rankings, and develop action plans called Total Maximum Daily Loads (TMDLs) to improve water quality. EPA recommends the NEPA analysis include information on any CWA § 303(d) impaired waters in the project area and any efforts related to TMDLs. Discuss what effect, if any, project discharges may have on impaired waterbodies.

For example: the Portland Air National Guard Base is adjacent to the Columbia Slough, which is identified as CWA §303(d) impaired by the Oregon Department of Environmental Quality for drinking water, aquatic life, fish and shellfish consumption, swimming, and boating, and for other metrics<sup>2</sup>. The information provided in the NOI indicates that the proposed project may result in up to 2 acres of ground disturbance and an additional 1 acre of impervious surface. EPA recommends the NEPA analysis include information regarding the increased in stormwater discharge from the impervious surfaces, accounting for the climate change impacts to the frequency and intensity of precipitation.

EPA recommends the NEPA analysis describe existing restoration and enhancement efforts for the impaired water bodies and how the proposed project will coordinate with on-going protection efforts,

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<sup>1</sup> <https://www.angf15ex-f35a-eis.com/>, accessed 6/12/2023.

<sup>2</sup> <https://mywaterway.epa.gov/community/6801%20NE%20Cornfoot%20Rd.,%20Portland,%20OR%2097218/overview> accessed 6/12/2023.

and any best management practices and/or mitigation measures that will be implemented to avoid further degradation of impaired waters.

For example: green infrastructure technologies may help to mitigate the impacts of increasing the amount of impervious surfaces within the project area. EPA has a list of green infrastructure technologies and ideas that could be incorporated into the development of alternatives<sup>3</sup>. Additionally, the Portland's Bureau of Environmental Services<sup>4</sup>, Oregon's Department of Environmental Quality<sup>5</sup>, and nonprofit groups such as the Columbia Slough Watershed Council<sup>6</sup> may have useful information when developing mitigation strategies to address water quality impacts from the proposed project.

#### ***CWA § 404***

CWA § 404 requires permits from the U.S. Army Corps of Engineers for the discharge of dredged or fill material into WOTUS. Wetlands, vegetated shallows, mud flats, and cobble substrates are all considered special aquatic sites under the CWA Section 404(b)(1) Guidelines (40 CFR 230). EPA recommends that the NEPA analysis:

- Clearly identify any discharges to WOTUS that are known, or likely, to occur that will be subject to CWA § 404. Identify and describe the impact of those discharges, control measures to be employed to address those impacts, and best management practices to prevent discharge of water and pollutants.
- Include sufficient information that can serve as a basis to determine whether the project would satisfy the requirements for the CWA § 404 permit or identify appropriate measures to mitigate the project's impacts to all WOTUS.
- Structure the alternatives analysis consistent with requirements of both the CWA and NEPA.
- Describe the regulatory criteria and processes utilized to screen potential alternatives and thoroughly evaluate alternatives that would pose less adverse impacts.
- Describe how compensatory mitigation will be quantified and provided to offset impacts, with specific project examples and options, as available.

#### **Air Quality**

Information in the NOI indicates an increase in the number of sorties from 7 to 8 per day, as well as construction activities associated with the proposed project.

EPA recommends the NEPA analysis discuss air quality impacts from the proposed project and project construction, maintenance, and operations with respect to criteria air pollutants and air toxics, including diesel particulate matter emissions and fugitive dust emissions. Discuss the direct, indirect, and cumulative impacts of project related air emissions. Disclose current representative background air pollutant concentrations in the areas of the project, if representative monitoring datasets are available, and compare these concentrations to the state and federal ambient air quality standards. Provide an evaluation of wind and precipitation patterns in the vicinity of the project and evaluate how these could influence emissions and air pollutant impacts. Disclose any regulatory air quality requirements related to the project, including any relevant state permitting and pollution control rules.

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<sup>3</sup> <https://www.epa.gov/green-infrastructure/what-green-infrastructure#Greenparking>, accessed 6/12/2023.

<sup>4</sup> <https://www.portland.gov/bes>, accessed 6/12/2023.

<sup>5</sup> <https://www.oregon.gov/deq/pages/index.aspx>, accessed 6/12/2023.

<sup>6</sup> <https://www.columbiaslough.org/>, accessed 6/12/2023.

For air pollutant emissions expected from both the proposed project and project construction, discuss the potential exposure of these pollutants to nearby sensitive populations. EPA recommends including a discussion of measures to minimize air quality impacts on the local environment and decrease exposure of emissions to sensitive populations. For example, during construction activities, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings.

When assessing the air quality impacts associated with the number of sorties, EPA recommends the NEPA analysis consider the likely minimum and maximum number of sorties in addition to daily average. Organizations such as the Port of Portland<sup>7</sup> and PDX Clean Air<sup>8</sup>, or similar organizations may be helpful in identifying ways to mitigate the air quality impacts of the proposed project.

In quantifying background concentrations, EPA recommends utilizing the lookup tool provided by the NW-AIRQUEST group<sup>9</sup>, or similar tool to provide this data.

### **Environmental Justice**

Federal agencies must consider environmental justice (EJ) in their activities under the National Environmental Policy Act<sup>10</sup>. EPA recommends the NEPA document identify and describe where EJ concerns exist within the project area, as well as the direct, indirect, and cumulative impacts of the proposed project on these communities. Further, EPA recommends the NEPA document discuss methods for conducting meaningful engagement opportunities with communities with EJ concerns and how considerations related to concerns raised are incorporated into the NEPA analysis and decision-making processes.

EPA recommends the follow key documents, policies, and tools for considering and addressing EJ concerns associated with the proposed project in the NEPA analysis.

### ***Executive Orders and Policies***

Executive Order 12898<sup>11</sup> directs federal agencies to identify and address the disproportionately high and adverse human health effects of federal actions on minority and low-income populations, to the greatest extent practicable and permitted by law.

On April 21, 2023, President Biden signed *Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All*<sup>12</sup> which highlights the need for a whole-of-government effort to confront longstanding environmental injustices and inequities. Consistent with Executive Order 12898 and each agency's statutory authority, EO 14096 calls on each agency to make achieving EJ part of its mission, including by carrying out environmental reviews under NEPA in a manner that:

- analyzes direct, indirect, and cumulative effects of federal actions on communities with EJ concerns.
- considers best available science and information on any disparate health effects (including risks) arising from exposure to pollution and other environmental hazards, such as information related

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<sup>7</sup> <https://www.portofportland.com/>, accessed 6/12/2023.

<sup>8</sup> <https://portlandcleanair.org/>, accessed 6/12/2023.

<sup>9</sup> <https://lar.wsu.edu/nw-airquest/>, accessed 6/12/2023.

<sup>10</sup> <https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act>, accessed 6/12/2023.

<sup>11</sup> <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>, accessed 6/12/2023.

<sup>12</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/>, accessed 6/12/2023.

to the race, national origin, socioeconomic status, age, disability, and sex of the individuals exposed; and

- provides opportunities for early and meaningful involvement in the environmental review process by communities with EJ concerns potentially affected by the proposed action.

EO 14096 also calls on providing opportunities for the meaningful engagement of persons and communities with EJ concerns who are potentially affected by federal activities, including by:

- providing timely opportunities for members of the public to share information or concerns and participate in decision-making processes.
- fully considering public input provided as part of decision-making processes.
- seeking out and encouraging the involvement of persons and communities potentially affected by federal activities by:
  - ensuring that agencies offer or provide information on a federal activity in a manner that provides meaningful access to individuals with limited English proficiency and is accessible to individuals with disabilities.
  - providing notice of and engaging in outreach to communities or groups of people who are potentially affected and who are not regular participants in federal decision-making; and
  - addressing, to the extent practicable and appropriate, other barriers to participation that individuals may face; and
  - providing technical assistance, tools, and resources to assist in facilitating meaningful and informed public participation, whenever practicable and appropriate.

CEQ Environmental Justice Guidance under the National Policy Act<sup>13</sup> (1997) was developed by CEQ in consultation with EPA and other affected agencies as guidance to further assist federal agencies with their NEPA procedures so that EJ concerns are effectively identified and addressed.

"Environmental Justice Interagency Working Group Promising Practices for EJ Methodologies in NEPA Reviews" report, or the Promising Practices Report<sup>14</sup> is a compilation of methodologies gleaned from current agency practices concerning the interface of EJ considerations through NEPA processes.

### ***EJScreen***

To identify where EJ concerns may exist within the proposed project area, EPA recommends utilizing our EJScreen mapping tool. Assessing EPA's Environmental Justice Screening and Mapping Tool (EJScreen) information is a useful first step in understanding locations that may be candidates for further review or outreach.<sup>15</sup> EPA considers a project to be in an area of potential EJ concern when an EJScreen analysis for the impacted area shows one or more of the eleven EJ Indexes at or above the 80<sup>th</sup> percentile in the nation and/or state. At a minimum, EPA recommends an EJScreen analysis consider EJScreen information for the block group(s) that contains the proposed action(s) and a one-mile radius around those block groups.

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<sup>13</sup> [https://www.epa.gov/sites/default/files/2015-02/documents/ej\\_guidance\\_nepa\\_ceq1297.pdf](https://www.epa.gov/sites/default/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf), accessed 6/12/2023.

<sup>14</sup> [https://www.epa.gov/sites/default/files/2016-08/documents/nepa\\_promising\\_practices\\_document\\_2016.pdf](https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf), accessed 6/12/2023.

<sup>15</sup> <https://ejscreen.epa.gov/mapper/>, accessed 6/12/2023.

Within the one-mile radius around the proposed project area at the Portland Air National Guard Base, EJScreen identifies several EJ Indexes above the 80<sup>th</sup> percentile, in both the nation and state.

It is important to consider all areas impacted by the proposed action(s). Areas of impact can be a single block group or span across several block groups and communities.<sup>16</sup> When assessing large geographic areas, consider the individual block groups within the project area in addition to an area-wide assessment. EPA recommends considering including block groups that are near the air base and in the direct flight path of takeoffs and landings as part of the NEPA analysis.

Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators.<sup>17</sup> As the screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location and/or proposed project, consider additional information in an EJ analysis to supplement EJScreen outputs. Further review or outreach may be necessary for the proposed action(s).

### ***Addressing EJ Concerns in the NEPA Process***

To address potential EJ concerns associated with the Proposed Project, EPA recommends:

- Applying methods from "Environmental Justice Interagency Working Group Promising Practices for EJ Methodologies in NEPA Reviews" report, or the Promising Practices Report, to this project.<sup>18</sup> The Promising Practices Report is a compilation of methodologies gleaned from current agency practices concerning the interface of EJ considerations through NEPA processes.
- Characterizing project site(s) with specific information or data related to EJ concerns.<sup>19</sup>
- Supplementing data with county level reports and local knowledge. Include identifying and describing communities that utilize the resources within the proposed project area and occur outside of the immediate 1-mile radius.
- Integrating, where available and appropriate, Traditional Ecological Knowledge in evaluating impacts of the proposed project on communities with EJ concerns.

Additional resources that may be useful in incorporating EJ in NEPA analysis include:

- EPA's Guidance for Incorporating EJ Concerns in EPA's NEPA Compliance Analysis<sup>20</sup>
- Guidance for Consideration of Environmental Justice in Clean Air Act 309 Reviews<sup>21</sup>

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<sup>16</sup> Agencies should define community as "either a group of individuals living in geographic proximity to one another, or a geographically dispersed set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions" (Interim Justice40 Guidance – Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad, January 27, 2021).

<sup>17</sup> <https://www.epa.gov/ejscreen/technical-information-about-ejscreen>, accessed 6/12/2023.

<sup>18</sup> [https://www.epa.gov/sites/default/files/2016-08/documents/nepa\\_promising\\_practices\\_document\\_2016.pdf](https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf), accessed 6/12/2023.

<sup>19</sup> For more information about potential EJ concerns, refer to the July 21, 2021, Memorandum for the Heads of Departments and Agencies Interim Implementation Guidance for the Justice40 Initiative. <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>, accessed 6/12/2023.

<sup>20</sup> [https://www.epa.gov/sites/default/files/2014-08/documents/ej\\_guidance\\_nepa\\_epa0498.pdf](https://www.epa.gov/sites/default/files/2014-08/documents/ej_guidance_nepa_epa0498.pdf), accessed 6/12/2023.

<sup>21</sup> [https://www.epa.gov/sites/default/files/2014-08/documents/enviro\\_justice\\_309review.pdf](https://www.epa.gov/sites/default/files/2014-08/documents/enviro_justice_309review.pdf), accessed 6/12/2023.

- Memorandum on Addressing Climate Change and Environmental Justice through Reviews Conducted Pursuant to the National Environmental Policy Act and Section 309 of the Clean Air Act<sup>22</sup>
- EPA Legal Tools to Advance Environmental Justice<sup>23</sup>

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<sup>22</sup> <https://www.epa.gov/system/files/documents/2022-05/EPA%20Policy%20Memo%20Intergration%20of%20EJ%20and%20Climate%20Change%20into%20NEPA%20309%20review%204-26-2022.pdf>, accessed 6/12/2023.

<sup>23</sup> <https://www.epa.gov/ogc/epa-legal-tools-advance-environmental-justice>, accessed 6/12/2023.